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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/266,780 03/12/99 NOGUCHI T 041465-5061

009629 WM01/0605  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036-5869

EXAMINER

ONUAKU, C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED:

06/05/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/266,780	Applicant(s) Noguchi et al
	Examiner Christopher Onuaku	Art Unit 2615
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
<p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____</p>		
<p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p>		
<p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> 1035 C.D. 11; 453 O.G. 213.</p>		
<b>Disposition of Claims</b>		
<p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-9</u> is/are pending in the application.</p>		
<p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p>		
<p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p>		
<p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-4 and 7-9</u> is/are rejected.</p>		
<p>7) <input checked="" type="checkbox"/> Claim(s) <u>5 and 6</u> is/are objected to.</p>		
<p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b>		
<p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p>		
<p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p>		
<p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p>		
<p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. § 119</b>		
<p>13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p>		
<p>a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p>		
<p>1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received.</p>		
<p>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p>		
<p>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>*See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>		
<b>Attachment(s)</b>		
<p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p>		
<p>16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p>		
<p>17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>3</u></p>		
<p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p>		
<p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>		
<p>20) <input type="checkbox"/> Other:</p>		

Art Unit: 2615

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1&2 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and also because the claimed invention lacks patentable utility .

Claim 1 recitation “A record medium on which record information and reservation information to perform a reserved recording operation for the record information are recorded, the reservation information comprising: a scheduled time to start recording onto the record medium the record information of particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of said particular one kind.” simply recites data recorded on a recording medium and represents non-functional descriptive material i.e., merely record information and reservation information recorded on the recording medium, which is mere matter. The claim recites no distinct or specific structure or format, and, therefore, is not directed toward statutory subject matter, and lacks patentable utility.

Art Unit: 2615

Claim 2 is rejected under 35 U.S.C. 101 for similar reasons as claim 1 discussed above, since claim 2 depends from claim 1.

It is pertinent to note that the examiner consulted with the 101 panel, and that the 101 panel agreed with the examiner in rejecting claims 1&2 under 35 U.S.C 101.

***Claim Objections***

3. Claim 6 is objected to because of the following informalities:

In line 14, “exists” should be changed to -- exist-- . Appropriate correction is required.

4. Claim 8 is objected to because of the following informalities:

In line 17, after “from”, “the” should be replaced with -- an-- , and after “external”, --device-- should be added. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2615

6. Claims 1-4&7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinobu et al (US 5,686,954).

Regarding claim 1, Yoshinobu et al disclose a program information broadcasting system for broadcasting information of the kinds of each of programs to be broadcast and information of elements included in a program such as a performer, a program information display method for receiving the program information broadcast by the broadcasting system and display the same on a display screen, as well as a receiving device such as a television receiver, comprising:

a) record medium on which record information and reservation information (which includes, for example, the channel, date, time and length information, program name, program address, program length and program type) to perform a reserved recording operation for the recording information are recorded ( for the record information medium, see Fig.11; opto-magnetic disc 201, col.15, line 57 to col.16, line 12; col.17, line 39 to col.18, line 40);

b) the reservation information comprising a scheduled time to start recording onto the record medium the record information of particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of the particular one kind ( see Fig.15; col.21, lines 5-61; and also, col.23, line 61 to col.25, line 15)

Art Unit: 2615

Regarding claim 2, Yoshinobu discloses wherein the record medium comprises a disc-shaped type record medium ( see Fig.11, opto-magnetic disc 201; col.15, line 57 to col.16, line 12), and the reservation information is recorded at a most inner-circumferential portion of a recordable area of the disc-shaped type medium ( see Fig.12, col.18, lines 4-40 and col.30, lines 48-62).

Regarding claim 3, Yoshinobu discloses:

a).record medium on which record information and reservation information (which includes, for example, the channel, date, time and length information, program name, program address, program length and program type) to perform a reserved recording operation for the recording information are recorded ( for the record information medium, see Fig.11; opto-magnetic disc 201, col.15, line 57 to col.16, line 12; col.17, line 39 to col.18, line 40);

b) the reservation information comprising a scheduled time to start recording onto the record medium the record information of particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of the particular one kind ( see Fig.15; col.21, lines 5-61; and also, col.23, line 61 to col.25, line 15)

Art Unit: 2615

c) a read out device for reading out the reservation information from the record medium (see Fig.10, system control section 100 and program selector 72; col.14, line 22 to col.15, line 10);

d) an extraction device for extracting the record information of said particular one kind from among the record information of the different kinds which are inputted from the external ( see Fig.10, the program selector 72; col.13, lines 44-65);

e) a record device for starting recording onto the record medium the extracted record information of the particular one kind when it is the scheduled time to start recording (see col.24, lines 12-52) and for stopping recording onto the record medium the extracted record information of the particular one kind when it is the schedule time to stop recording, on the basis of the read out reservation information ( see col.25, lines 3-15; col.23, line 61 to col.25, line 15).

Regarding claim 4, Yoshinobu discloses:

a) a generation device for generating the reservation information on the basis of the scheduled time to start recording and the scheduled time to stop recording which are set in advance of the reserved recording operation ( see Fig.14, control section 110; and col.26, line 5 to col.27, line 25);

b) the record device recording onto the record medium the record information of the particular kind ( see col.24, lines 12-52).

Art Unit: 2615

Regarding claim 7, Yoshinobu discloses wherein the record medium comprises a disc-shaped type record medium ( see Fig.11, opto-magnetic disc 201; col.15, line 57 to col.16, line 12), and the reservation information is recorded at a most inner-circumferential portion of a recordable area of the disc-shaped type medium ( see Fig.12, col.18, lines 4-40 and col.30, lines 48-62).

Regarding claim 8, Yoshinobu discloses an information recording and reproducing apparatus ( see record/reproduce device 200 of Fig.11) and , comprising:

a) recording and reproducing apparatus for recording and reproducing record information of particular one kind onto and from a record medium on which record information and reservation information (which includes, for example, the channel, date, time and length information, program name, program address, program length and program type) to perform a reserved recording operation for the recording information are recorded ( for the record information medium, see Fig.11; opto-magnetic disc 201, col.15, line 55 to col.18, line 40);

b).the reservation information comprising a scheduled time to start recording onto the record medium the record information of particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of the particular one kind ( see Fig.15; col.21, lines 5-61; and also, col.23, line 61 to col.25, line 15)

Art Unit: 2615

c) a read out device for reading out the reservation information from the record medium (see Fig.10; system control section 100 and program selector 72; col.14, line 22 to col.15, line 10);

d) an extraction device for extracting the record information of said particular one kind from among the record information of the different kinds which are inputted from the external (see Fig.10, the program selector 72; col.13, lines 44-65);

e) a record device for starting recording onto the record medium the extracted record information of the particular one kind when it is the scheduled time to start recording (see col.24, lines 12-52) and for stopping recording onto the record medium the extracted record information of the particular one kind when it is the schedule time to stop recording, on the basis of the read out reservation information ( see col.25, lines 3-15; and col.23, line 61 to col.25, line 15); and

f) a reproducing device for reproducing the record information of the particular one kind from the record medium (see col.18, line 41 to col.19, line 45).

Regarding claim 9, Yoshinobu discloses wherein the record medium comprises a disc-shaped type record medium ( see Fig.11, opto-magnetic disc 201; col.15, line 57 to col.16, line 12), and the reservation information is recorded at a most inner-circumferential portion of a recordable area of the disc-shaped type medium ( see Fig.12, col.18, lines 4-40 and col.30, lines 48-62).

Art Unit: 2615

***Allowable Subject Matter***

7. Claims 5&6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the prior art of record fails to show or fairly suggest an information recording apparatus for recording record information of particular one kind onto a record medium, on which the record information and reservation information to perform a reserved recording operation for the record information are recordable, the reservation information comprising: a scheduled time to start recording onto the record medium the record information of said particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of said particular one kind, where the information recording apparatus comprises the record device recording the record information of said particular one kind in accordance with the reservation information recorded on the record medium in preference to the reservation information stored in the memory device if the reservation information is recorded on the record medium, and the record device recording the record information of said particular one kind in accordance with the reservation information stored in the memory device if the reservation information is not recorded on the record medium.

Art Unit: 2615

Regarding claim 6, the prior art of record fails to show or fairly suggest an information recording apparatus for recording record information of particular one kind onto a record medium, on which the record information and reservation information to perform a reserved recording operation for the record information are recordable, the reservation information comprising: a scheduled time to start recording onto the record medium the record information of said particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of said particular one kind, where the information recording apparatus comprises wherein the record device further records onto the record medium history information when recording the record information of said particular one kind is finished, the history information comprising a recording data, a time to start recording, a time to stop recording and a recording position on the record medium, and the apparatus further comprises a control device for controlling the record device to record new record information of said particular one kind to a non-recorded area on the record medium if there exists the non-recorded area in accordance with the history information, and to record the new record information of said particular one kind to a recorded area where the oldest record information of said particular one kind has been recorded if there does not exist the non-recorded area in accordance with the history information.

Art Unit: 2615

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arai (US 6,169,844) teaches simultaneous recording of a plurality of programs in a simple and reliable manner by controlling the switching of data compression ratios of a plurality of sequences of input signals.

Maeda et al (US 6,188,662) teach a recording apparatus with a receiving function and a recording apparatus which can receive a broadcast program including character information and can record the broadcast audio signal and character information to the predetermined recording medium.

Yuen et al (US 5,488,409) teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a video cassette recorder.

10. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2615

**or faxed to:**

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

**Or:**

(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

*COO*  
COO

6/1/01

*Christopher O. Onuaku*  
**CHRISTOPHER O. ONUAKU**  
**PATENT EXAMINER**

11

WHAT IS CLAIMED IS:

1. A record medium, on which record information and reservation information to perform a reserved recording operation for the record information are recorded,

the reservation information comprising: a scheduled time to start recording onto the record medium the record information of particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of said particular one kind.

2. A record medium according to Claim 1, wherein

the record medium comprises a disc-shaped type record medium, and

the reservation information is recorded at a most inner-circumferential portion of a recordable area of the disc-shaped type record medium.

3. An information recording apparatus for recording record information of particular one kind onto a record medium, on which the record information and reservation information to perform a reserved recording operation for the record information are recordable, the reservation information comprising: a scheduled time to start recording onto the record medium the record information of

100 200 300 400 500 600 700 800 900 1000  
said particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of said particular one kind, the apparatus comprising:

a read out device for reading out the reservation information from the record medium;

an extraction device for extracting the record information of said particular one kind from among the record information of the different kinds which are inputted from the external; and

a record device for starting recording onto the record medium the extracted record information of said particular one kind when it is the scheduled time to start recording and for stopping recording onto the record medium the extracted record information of said particular one kind when it is the schedule time to stop recording, on the basis of the read out reservation information.

4. An apparatus according to Claim 3, further comprising a generation device for generating the reservation information on the basis of the scheduled time to start recording and the scheduled time to stop recording which are set in advance of the reserved recording operation,

the record device recording onto the record medium the generated reservation information before recording the record information of said particular one kind.

5. An apparatus according to Claim 3, further comprising a memory device for storing the reservation information separately from the record medium,

the record device recording the record information of said particular one kind in accordance with the reservation information recorded on the record medium in preference to the reservation information stored in the memory device if the reservation information is recorded on the record medium,

the record device recording the record information of said particular one kind in accordance with the reservation information stored in the memory device if the reservation information is not recorded on the record medium.

6. An apparatus according to Claim 3, wherein the record device further records onto the record medium history information when recording the record information of said particular one kind is finished, the history information comprising a recording date, a time to start recording, a time to stop recording and a recording position on the record medium,

the apparatus further comprising a control device for controlling the record device to record new record information of said particular one kind to a non-recorded area on the record medium if there exists the non-recorded area in accordance with the history information, and to record the new record information of said particular one kind to a recorded area where the oldest record

information of said particular one kind has been recorded if there does not exists the non-recorded area in accordance with the history information.

7. An apparatus according to Claim 3, wherein the record medium comprises a disc-shaped type record medium, and

the reservation information is recorded at a most inner-circumferential portion of a recordable area of the disc-shaped type record medium.

8. An information recording and reproducing apparatus for recording and reproducing record information of particular one kind onto and from a record medium, on which the record information and reservation information to perform a reserved recording operation for the record information are recordable, the reservation information comprising: a scheduled time to start recording onto the record medium the record information of said particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of said particular one kind, the apparatus comprising:

a read out device for reading out the reservation information from the record medium;

an extraction device for extracting the record information of

said particular one kind from among the record information of the different kinds which are inputted from the external;

a record device for starting recording onto the record medium the extracted record information of said particular one kind when it is the scheduled time to start recording and for stopping recording onto the record medium the extracted record information of said particular one kind when it is the schedule time to stop recording, on the basis of the read out reservation information; and

a reproduction device for reproducing the record information of said particular one kind from the record medium.

9. An apparatus according to Claim 8, wherein  
the record medium comprises a disc-shaped type record  
medium, and :  
the reservation information is recorded at a most inner-  
circumferential portion of a recordable area of the disc-shaped type  
record medium.

## ABSTRACT OF THE DISCLOSURE

On a record medium, record information and reservation information to perform a reserved recording operation for the record information are recorded. The reservation information has: a scheduled time to start recording onto the record medium the record information of particular one kind, which is set in advance for respective one of record mediums including the record medium, among the record information of a plurality of different kinds which are recordable on the record mediums; and a scheduled time to stop recording onto the record medium the record information of the particular one kind.